
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
MONDAY – OCTOBER 26, 2015

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held October 26, 2015, at 9:00 A.M. at the office of the Fund, 221 N. LaSalle Street, Room 1626, Chicago, Illinois for the consideration of applications and bills, and for other such matters that came before the Board. The contents of this meeting were transcribed by Esquire Communications, Ltd. Court Reporters and are made a part of the record.

PRESENT: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

ABSENT: 0.

PRESIDING: President and Trustee Kenneth Hauser.

President Hauser called the meeting to order.

The Board then reviewed of the minutes of the Investment Committee meeting held October 21, 2015.

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board approve the minutes of the Investment Committee Meeting held October 21, 2015.

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Avila, Summers 2.

Against: 0.

The next order of business was review of the minutes from the Regular Meeting held September 24, 2015, which, due to the lack of a quorum, stood adjourned.

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board adjourn the Board Meeting held September 24, 2015.

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Avila, Summers 2.

Against: 0.

The Board reviewed the minutes of the minutes from the Regular Meeting held September 24, 2015, and made amendments.

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve the minutes of the Board Meeting held September 24, 2015.

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Wright 5.

Absent: Avila, Summers 2.

Against: 0.

Abstain: Maloney 1.

The next order of business was review of the minutes of the Special Meeting held October 1, 2015, to pass on the sufficiency of petitions for the Trustee Elections held October 22, 2015.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve the minutes of the Special Board Meeting held October 1, 2015.

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Avila, Summers 2.

Against: 0.

Trustee Avila entered the proceedings.

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The Board's Legal Counsel submitted drafted orders on the following Board decisions:

Melissa Aguilera, disability status hearing resulted with duty disability benefits terminated.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve this order as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Robin Cooper, after a hearing, petition for prior service credits was denied.

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve this order as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

David Keenan, after a hearing, application for duty disability benefits denied.

It was moved by Trustee Wright, seconded by Trustee Brown that the Board approve this order as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Nancy Moreno, disability status hearing resulted with duty disability benefits terminated.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve this order as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Daniel O'Connor, disability status hearing resulted with duty disability benefits terminated.

It was moved by Trustee Brown, seconded by Trustee Wright that the Board approve this order as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

The Recording Secretary, Trustee Maloney conducted the general agenda as follows:

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1 - 6 Incurred Expenses for the Month of October 2015.

It was moved by Trustee Hauser, seconded by Trustee Lappe that the Board approve the Obligations as detailed on pages 1 through 6.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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ROLL CALL

Against: 0.

ROLL CALL

Against: 0.

ROLL CALL

Against: 0.

ROLL CALL

Against: 0.

ROLL CALL

Against: 0.

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31 Annuities to Children

It was moved by Trustee Hauser, seconded by Trustee Avila that the Board approve the Annuities to Children as detailed on page 31.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

32 Ordinary Disability Benefits

a) **Blaszczyk, James S.**

It was moved by Trustee Maloney, seconded by Trustee Hauser that the Board award ordinary disability benefits. Discussion was held concerning CPD limited duty. Trustee Maloney withdrew his motion; Trustee Hauser withdrew his seconded.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board continue this matter to the next regular meeting of the Board.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

33 - 34 Duty / Occupational Disease Disability Benefits

b) **Dahms, Dave H.**

It was moved by Trustee Wright, seconded by Trustee Avila that the Board defer all benefits pending a full hearing.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

c) **Glover, Dennis D.**

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board award Dennis Glover an occupational disease disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

d) **Kelly, Peter A.**

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board, move to grant the officer, subject to a full evidentiary hearing, ordinary disability benefits without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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29 - 30 Duty / Occupational Disease Disability Benefits, continued
 e) **Nykiel, Craig**

It was moved by Trustee Hauser, seconded by Trustee Lappe that the Board move to grant the officer, subject to a full evidentiary hearing, ordinary disability benefits without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.
 f) **Varela, Jeannette**

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board defer all benefits pending a full hearing.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

35 - 36 Payments of Death Benefits [Summary pg. 37]

It was moved by Trustee Avila, seconded by Trustee Lappe that the Board approve the Death Benefits as detailed on pages 35 and 36.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

38 GUARDIANSHIP APPOINTMENT
 Allen, Marvee

It was moved by Trustee Hauser, seconded by Trustee Avila that the Board acknowledge the guardianship appointment as detailed on page 38.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

39 REQUEST FOR PENSION CREDIT FOR LEAVE OF ABSENCE SERVICE
 Morse, Carlin

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the request to receive pension credit for a leave of absence as detailed on page 39.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

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40 REQUESTS FOR PENSION CREDIT FOR PRIOR SERVICE UNDER 5-214 (c)

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the requests to purchase pension credit for prior Cook County service detailed on page 40.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

41 REQUESTS FOR PENSION CREDIT FOR PRIOR MILITARY SERVICE UNDER 5-214.3

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the requests to purchase pension credit for prior military service detailed on page 41.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

General Agenda Completed.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board enter into Executive Session to review the cases.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 7.

Absent: Summers 1.

Against: 0.

Trustee Summers entered the proceedings.

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board exit the Executive Session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

The Board's President called for the hearings on the scheduled cases.

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HEARINGS

42 PETITION FOR PENSION CREDIT FOR PRIOR SERVICE UNDER 5-214 (c)

Fraction, Nichelle S.

Nichelle Fraction appeared before the Board, without legal counsel, on her petition for pension credit for prior service. After explaining her rights to have counsel and the Administrative Review procedures, Officer Fraction elected to proceed without legal representation. Testimony was taken on this petition by the officer.

It was moved by Trustee Brown, seconded by Trustee Hamburger, that the Board approve Nichelle Fraction's petition to receive pension credit for prior service in accordance with the Illinois Statutes.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

43 PETITION FOR PENSION CREDIT FOR PRIOR SERVICE UNDER 5-214 (c)

Cooper, Markee

Markee Cooper appeared before the Board, without legal counsel, on his petition for pension credit for prior service. After explaining his rights to have counsel and the Administrative Review procedures, Officer Cooper elected to proceed without legal representation. Testimony was taken on this petition by the officer.

*It was moved by Trustee Lappe, seconded by Trustee Hamburger, that the Board **deny** Markee Cooper's request to receive pension credit for prior service in accordance with the Illinois Statutes.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Maloney that the Board go into executive session per 2 (c)(11).

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

It was moved by Trustee Summers, seconded by Trustee Hamburger that the Board exit executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

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DISABILITY HEARINGS

DISABILITY STATUS REVIEWS

44

Timothy O'Brien

Timothy O'Brien appeared, with counsel, before the Board on a disability status review. After reviewing the documents presented and hearing testimony from the claimant and the Board's consulting physician Dr. Orris, *it was moved by Trustee Maloney, seconded by Trustee Brown that the Board approve continuation of Timothy O'Brien's duty disability benefits.*

ROLL CALL

For: Brown, Maloney 2.

Absent: 0.

Against: Avila, Hamburger, Hauser, Lappe, Summers, Wright 6.

MOTION FAILED

It was then moved by Trustee Hamburger, seconded by Trustee Avila that the Board go into executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

It was then moved by Trustee Avila, seconded by Trustee Lappe that the Board exit executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

In this matter, testimony was then taken from Donald O'Neill, Director of Human Resources, Chicago Police Department. At the conclusion of testimony *it was moved by Trustee Lappe, seconded by Trustee Avila that the Board terminate Timothy O'Brien's duty disability benefits November 30, 2015, and Mr. O'Brien, who is no longer disabled, seek return to active duty with the Chicago Police Department.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Wright 5.

Absent: 0.

Against: Brown, Maloney, Summers 3.

45

Ryan O'Donnell

Ryan O'Donnell appeared, with counsel, before the Board on a disability status review. After reviewing the documents presented and hearing testimony from Ryan O'Donnell, his physician Dr. Gitelis, and Physical Therapist Joseph Castronovo, it was determined the Board's physician Dr. Hoepfner will need to provide testimony in this matter. *Therefore, it was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board continue this matter to a future date for conclusion.*

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 7.

Absent: Avila 1.

Against: 0.

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DISABILITY STATUS REVIEWS, continued

46 **Daniel Borchers**

Attorney representing Daniel Borchers appeared before the Board on his request for a continuance.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve the request for a continuance.

ROLL CALL

For: Avila, Brown, Hauser, Lappe, Maloney, Summers, Wright 7.

Absent: 0.

Against: Hamburger 1.

47 **Michelle Jennings**

Michelle Jennings appeared, with counsel, before the Board on a disability status review. Entered into the record were medical records and a videotape concerning activities of Ms. Jennings. After reviewing the records presented and hearing testimony from Michelle Jennings, *it was moved by Trustee Lappe, seconded by Trustee Wright that the Board, based on the medical records and videotape, finds that the left knee line of duty injury is no longer disabling and would no longer be an impediment to returning to active duty with the Chicago Police Department, votes to terminate duty disability benefits effective October 31, 2015.*

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 7.

Absent: Avila 1.

Against: 0.

Based on medical records reviewed, Michelle Jennings has additional medical issues which prevent her from returning to the Chicago Police Department for reinstatement.

It was then moved by Trustee Lappe, seconded by Trustee Brown that the Board grant the officer, subject to a full evidentiary hearing, an ordinary benefit without prejudice, with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if it's deemed warranted. This benefit is effective November 1, 2015.

ROLL CALL

For: Brown, Hauser, Lappe, Maloney, Summers, Wright 6.

Absent: Avila 1.

Against: Hamburger 1.

*

Richard Mack

The Board is reconvening the Richard Mack matter. Mr. Mack appeared before the Board on an earlier date on a disability status review. At that time he was represented by an attorney who has since withdrawn his appearance in this matter and now has a new attorney representing his interest before the Board. At the previous hearing on Mr. Mack's status review, entered into the record were medical records and a videotape concerning activities of Mr. Mack. The Board suspended Mr. Mack's disability benefits effective September 30, 2015. In the interim, the Board received correspondence, to be entered in to the record, which indicates Richard Mack is no longer disabled and is seeking a return to duty with the Chicago Police Department.

It was moved by Trustee Hamburger, seconded by Trustee Summers that the duty disability benefit which were suspended September 30, 2015, shall be terminated as of that date and Mr. Mack, who is not longer disabled, should be directed to seek return to active duty with the Chicago Police Department.

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Richard Mack - Continued

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

48 DUTY DISABILITY CLAIMS

Gaskew, Doris

Doris Gaskew appeared before the Board, with counsel, on her application for a duty disability benefit. After reviewing the documents and records submitted and hearing testimony from the claimant and the Board's consulting physician, *it was moved by Trustee Lappe, seconded by Trustee Summers that the Board enter into executive session per 2 (c)(11).*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Avila that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

It was moved by Trustee Maloney that the Board grant Doris Gaskew a duty disability benefit.

NO SECOND; MOTION FAILS

It was then moved by Trustee Wright, seconded by Trustee Brown that the Board grant an ordinary disability benefit from February 17, 2015, through November 30, 2015..

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

Jones, Yvette

Yvette Jones appeared before the Board, with counsel, on her application for a duty disability benefit. After reviewing the documents and records submitted and hearing testimony from the claimant and the Board's consulting physician, *it was moved by Trustee Maloney, seconded by Trustee Brown that the Board grant Ms. Jones a duty disability benefit.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Maloney, Summers, Wright 7.

Absent: 0.

Against: Lappe 1.

It was then moved by Trustee Maloney, seconded by Trustee Hamburger that the Board award the duty disability at 75% of salary as defined in the Pension Act.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Maloney, Summers, Wright 7.

Absent: 0.

Against: Lappe 1.

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48 DUTY DISABILITY CLAIMS - Continued

Wilson, Regina

Regina Wilson appeared before the Board, with counsel, on her application for a duty disability benefit. After reviewing the documents and records submitted and hearing testimony from the claimant, *it was moved by Trustee Brown, seconded by Trustee Summers that the Board grant the officer, subject to a full evidentiary hearing, an ordinary benefit without prejudice, with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if it's deemed warranted.*

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 7.

Absent: Avila 1.

Against: 0.

The matter of Officer Wilson's hearing on the duty claim filed will be addressed at a future date.

Wojcikowski, Karen

Karen Wojcikowski appeared before the Board, with counsel, on her application for a duty disability benefit. After reviewing the documents and records submitted and hearing testimony from the claimant, *it was moved by Trustee Hamburger, seconded by Trustee Summers that the Board enter into executive session per 2 (c)(11).*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

it was moved by Trustee Wright, seconded by Trustee Hamburger that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

The President called for a motion on disability application of Karen Wojcikowski. *It was moved by Trustee Maloney, seconded by Trustee Wright that the Board grant a duty disability benefit.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Maloney, Summers, Wright 7.

Absent: 0.

Against: Lappe 1.

It was moved by Trustee Hamburger, seconded by Trustee Brown that the Board award the duty disability benefit at 50% of salary as defined in the Pension Act.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Maloney, Summers, Wright 7.

Absent: 0.

Against: Lappe 1.

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The Executive Director reviewed with the Board the following matters.

- Due to the voluminous case load pending for hearings, a request to have a duty hearing and two status reviews at the December regular Board meeting, scheduled for December 18, 2015.

Mutual agreement among Board members, disability hearings/reviews shall be scheduled for the December meeting.

- The Board's physician has recommended an IME or FCE to be completed on Brenda O'Neill a recipient of disability benefits.

*It was moved by Trustee Hamburger, seconded by Trustee Maloney that the Board approve the recommendation of the Board's physician to have a FCE and/or IME performed on **Brenda O'Neill**.*

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

EXECUTIVE DIRECTOR'S REPORT CONCLUDED

All business concluded for this date, *it was moved by Trustee Wright, seconded by Trustee Lappe that this meeting be adjourned.*

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.